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October 7, 2020

VIA ECF

The Honorable Analisa Torres
United States District Court, S.D.N.Y.
40 Foley Square
New York, New York 10007

Re: *Choror et al v. Abitino's 49th Street Corp. et al*
19-cv-09297

Dear Judge Torres:

We are the attorneys for the Defendants in the above referenced matter. I write on consent of all parties to respectfully request an adjournment of the pretrial conference dated November 5, 2020, as well as the pending mediation scheduled for October 15, 2020, for the reasons set forth herein.

Unfortunately, as Your Honor may be aware, the situation with restaurants in NYC has not changed in any impactful way. As of September 30, restaurants were permitted to resume 25% of indoor dining. For small pizzeria restaurants such as my clients' locations, the 25% capacity does virtually nothing for them. My clients have advised that it is not even worth opening indoor at 25% when you consider the food costs, staffing, and overhead required to open. Anything short of 50% indoor dining does not move the needle for the vast majority of restaurants in NYC, including but not limited to my clients. That being said, my clients are not able to proceed with any meaningful mediation at this point, as their financial situation has not gotten better; in fact, it has gotten worse, since landlords still expect rent payments as they are entitled to receive, yet month over month of compounding 75% - 90% revenue losses continue to exact a harsh toll on my clients' businesses.

Given that there is simply no ability on the part of Defendants to engage in any meaningful settlement discussions at this time, we respectfully request an adjournment of the mediation to a date in early 2021, to be followed by the initial pretrial conference before Your Honor.

The Mediation Office has been made aware of the parties' request in this regard and awaits the direction of the Court as to adjourning the mediation of this matter.

GRANTED. The mediation shall be rescheduled to a date in January 2021. The initial pretrial conference scheduled for November 5, 2020, is ADJOURNED to **February 9, 2021, at 11:00 a.m.** By **February 2, 2021**, the parties shall submit a joint letter and proposed case management plan.

SO ORDERED.

Dated: November 4, 2020
New York, New York



ANALISA TORRES
United States District Judge